

Kirkland Municipal Court  
Local Court Rules

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KMCLR 1 ADOPTION OF LOCAL RULES

These rules are adopted pursuant to CrRLJ 1.7.

[Adopted effective September 1, 2001]

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KMCLR 2  
TITLE OF RULES

These rules may be known and cited as the Kirkland Municipal Court Local Criminal Rules.  
The criminal rules shall be referred to as KMCLR.

[Adopted effective September 1, 2006]

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KMCLR 3  
PRESIDING JUDGE

The Presiding Judge shall conduct duties of the office pursuant to GR 29.

[Adopted effective September 1, 2006]

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KMCLR 4  
FORM OF PLEADINGS - STYLE AND FORM - FACILITATING PROOF  
OF SERVICE AND FILING OF PAPERS

(a) Action Documents. Pleadings or other papers requiring action on the part of the Clerk/Court (other than file stamping, docketing and placing in the court file) shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, stating: "Clerk's Action Required". The action to be taken must be stated either next to the special caption or in the first paragraph on the first page. The clerk will not search through letters, notices of appearance, requests for discovery, or other materials to locate possible requests for action items.

(b) Format. All pleadings and other papers shall include or provide for the following, unless otherwise authorized by the court:

(1) Service and Filing. Space should be provided at the top of the first page of a document allowing on the right half for the clerk's filing stamp, and in the left half for proof of, or acknowledgement of, service. The papers should when feasible, such as common pleading or service forms, be pre-drilled or punched at the page top for fastening in court files.

(2) Numbered Paper. All pleadings, motions, affidavits, briefs, and other supporting documents prepared by attorneys/parties should be on paper with line numbering in the left hand margin.

(c) Handling by Clerk. All pleadings or other papers with proper caption and cause number will be date receipted, docketed and secured/placed in the court file by the Clerk of the Municipal Court in the order received.

(d) Form of Pleadings. Pleadings in compliance with this rule shall be in substantially the following form:

SPACE FOR SERVICE	/	SPACE FOR COURT FILING
PROOF	/	STAMP
	/	

IN THE MUNICIPAL COURT FOR THE CITY OF \_\_\_\_\_,  
KING COUNTY, STATE OF WASHINGTON

_____	)	
Plaintiff,	)	CAUSE NO. XXXXXXXX
	)	
	)	CLERK'S ACTION REQUIRED:
	)	(note action required here
or	)	
	)	in first paragraph)
	)	
vs.	)	
	)	MOTION TO SET REVIEW
_____	)	
Defendant	)	

CLERK'S ACTION REQUIRED: (note action required here or in caption).

(Adopted effective September 1, 2006)

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KMCLR 5  
BAIL FORFEITURES FOR SPECIFIC CRIMES

This Court has considered the judicial efficiencies and the fairness to individuals charged with first offense and second offense (within 5 years) for Driving While License Suspended in the Third Degree, No Valid Operator's License without Identification, Trip Permit Violation, Failure to Transfer Title and finds that it is in the interest of

justice to allow bail forfeiture to these charges and authorizes the Clerk to cite this Local Rule as written reason for allowing bail forfeitures as final disposition in accordance with the following schedule:

DWLS 3rd Degree	\$250 First Offense \$350 Second Offense
NVOL 1st Degree	\$200 First Offense \$300 Second Offense
Trip Permit Violation	\$200 First Offense \$200 Second Offense
Failure to Transfer Title Within 45 Days	\$50 First Offense (with transfer) \$150 First Offense (without transfer) \$150 Second Offense (with transfer) \$250 Second Offense (without transfer)
Alcohol in Park	\$50 First Offense \$100 Second Offense
Loud Noise in Veh.	\$50 First Offense \$100 Second Offense

[Adopted effective September 1, 2006]

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KMCLR 6  
BAIL/ DOMESTIC VIOLENCE NEW OFFENSES

When required to reasonably assure appearance in Court for those persons arrested and detained in jail for new offenses, bail shall not be set for accused persons arrested for new offenses involving domestic violence, violation of a court ordered no contact order or protection order, or violation an anti-harassment order, except at the preliminary appearance or arraignment.

[Adopted effective September 1, 2006]

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KMCLR 7  
PRE-TRIAL AND READINESS HEARINGS.

- (a) Unless otherwise ordered by the Court in a specific case for good cause, all cases in which a defendant enters a plea of not guilty shall be set for a pre-trial hearing.
- (b) (1) The pre-trial hearing shall provide an opportunity for negotiation between the parties. The parties shall confer in good faith regarding any agreed disposition prior to trial. The defendant shall be required to attend the pre-trial hearing unless excused by the Court. Failure to attend may result in the issuance of a bench warrant and/or forfeiture of any bail/bond. In the event of a disposition, the parties shall execute the appropriate documents for the Judge to consider the matter on the record.  
(2) In cases that proceed to trial, the parties shall identify with specificity all motions and counsel may be required to articulate on the record the basis for any motion. All rulings made at the pre-trial hearing or subsequent motion hearing(s) shall be binding on the parties and shall not be re-litigated at trial. Any motion not identified at pre-trial may be deemed waived unless otherwise allowed by the Court. Counsel shall identify only those motions for which there is a good faith belief that the motion is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.
- (c) The Court shall assign dates and give written notice to the parties for motion hearings and trial at the time of the pre-trial conference and shall, in so far as is reasonably possible, schedule those hearings after consultation with all counsel. Other factors, such as witness availability, shall also be considered.

- (d) (1) A jury call/readiness hearing will be scheduled in all cases proceeding to jury unless specifically waived by the Court in a particular case for good cause shown. This calendar will be held during the week prior to the scheduled jury trial. The defendant shall be required to attend this hearing unless excused by the Court. Failure to attend the readiness hearing may result in the issuance of a bench warrant, the case being stricken from the month's jury calendar, and/or forfeiture of bail/bond.  
(2) A request for a jury trial date constitutes an assurance that the parties will be ready to begin jury selection immediately on the morning of trial.
- (e) A Jury trial must be confirmed by the defendant, or defense council, or prosecuting attorney by notifying the court at or before 1:30 p.m. the court day prior to trial. Failure to do so may result in witness or jury costs being imposed.

[Adopted effective September 1, 2006]

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KMCLR 8  
DEFENSE CONTINUANCES

A request for continuance must be made either by the defendant or defendant's attorney 48 hours before the scheduled hearing. Only the following hearings are eligible for a one-time continuance by the clerk:

- 1) Non-Prosecutor Contested Hearings
- 2) Non-DV and Non-DUI Arraignments
- 3) For a first time continuance of a Pre trial hearing, the Court will require an agreed motion to continue, filed with a speedy waiver if applicable at least 48 hours before the scheduled hearing. Upon receiving the agreed order and/or waiver, the clerk will reschedule the hearing.

If a motion for continuance is received and it is not agreed, the clerk will file the motion in the court file. The motion to continue will be determined by the Judge at the scheduled hearing.

[Adopted effective September 1, 2006]

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KMCLR 9 PETITIONS FOR DEFERRED PROSECUTION

Petitions for deferred prosecution submitted pursuant to RCW 10.05 shall include a waiver of jury trial signed by the defendant and counsel, if any. Such petitions shall be presented to the Prosecutor and the Court no later than seven days prior to the time the Court is requested to grant the order. The petition shall include the petition, appropriate assessment, treatment plan, and proposed order.

[Adopted effective September 1, 2001]

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KMCLR 10  
REQUIREMENTS FOR PAYMENT OF JURY FEES

- (a) If a defendant requests a jury trial, and does not waive his or her right to a jury trial within 24 hours prior to the scheduled trial or otherwise notifies the Court that the jury trial will not proceed, and the Court incurs the expense of summing the jurors, the defendant may be responsible for payment to the Court in the amount of costs incurred.
- (b) If a jury trial is scheduled and the prosecutor does not notify the court within 24 hours the jury trial will not

proceed due to known evidentiary problems, and the Court incurs the expense of summing the jurors, the Prosecutor may be responsible for payment to the Court in the amount of costs incurred.

[Adopted effective September 1, 2006]

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KMCLR 11  
CONFIRMATION OF JURY TRIAL

Both parties shall confirm with the Court Clerk whether or not a case set for jury trial is going to be tried to a jury no later than 1:30 p.m. on the court day preceding the date that the case is set for jury trial. Failure to confirm may result in the imposition of sanctions against either or both parties, pursuant to KMCLR 10.

[Adopted effective September 1, 2006]

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KMCLR 12 REQUIREMENT FOR PAYMENT OF ADMINISTRATIVE PROBATION FEES

The Court may impose an administrative probation fee up to the maximum fee permitted under the current state statute.

[Adopted effective September 1, 2001]

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KMCLR 13  
REQUIREMENT FOR PAYMENT ON COURTESY WARRANT CALENDAR

A defendant who has been charged with a criminal violation and has an outstanding warrant in the Kirkland Municipal Court who requests to attend the courtesy warrant calendar will be assessed \$75 per case in court costs. The court costs shall be collected by the Kirkland Municipal Court when the defendant appears in Court and requests to appear on the courtesy warrant calendar.

[Adopted effective September 1, 2006]

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KMCLR 14  
VIDEO CONFERENCE PROCEEDINGS

- (1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments held pursuant to CrRLJ 3.4 and 4.1, bail hearings held pursuant to CrRLJ 3.2, and trial settings held pursuant to CrRLJ 3.3(f), may be conducted by video conference in which all participants can simultaneously see, hear and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purpose of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the Kirkland Municipal Court judge, judge pro-tem or court commissioner. Any party may request an in-person hearing which may be granted at the discretion of the Municipal Court judge, judge pro-tem or court commissioner.
- (2) Agreement. Other trial court proceedings, including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrRLJ 4.2, may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the Kirkland Municipal Court judge, judge-pro tem or court commissioner.

- (3) Standards for Video Conference Proceedings. The standards for video conference proceedings shall be as specified in CrRLJ 3.4(d) (3).

(Adopted effective September 1, 2006)

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KMCLR 15  
SENTENCING

RESCINDED - September 1, 2006

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KMCLR 16 WITHDRAWAL OF COUNSEL

Counsel for the defendant may not withdraw from a pending criminal matter without authorization by the Court. Counsel's failure to appear for any hearing without prior authorization from the Court may result in sanctions being imposed against counsel at a show cause hearing.

[Adopted effective September 1, 2001]

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KMCLR 17  
RESTITUTION

Where the Court orders that a defendant pay restitution, but does not set an amount at the time of disposition, the prosecuting attorney shall, within 60 days, file with the Court a proposed amount, with documentation in support thereof. The Prosecutor shall mail to the defendant's last known address the proposed amount, with copies of the supporting documents. If the defendant wishes to contest the proposed amount, the defendant shall file with the Court an objection within 30 days of the date of the proposed amount was mailed to the defendant's last known address. Upon receipt of an objection by the Court, the Court shall schedule a restitution hearing, and shall send notice to the Prosecutor and the defendant. If the defendant does not object, the proposed amount shall be entered as a judgment.

[Adopted effective September 1, 2006]

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KMCLR 18 REQUIREMENTS FOR PAYMENT FOLLOWING IMPOSITION OF  
FINES, COSTS, ASSESSMENTS AND FORFEITURES

- (a) Upon imposition of a fine, cost, assessment or forfeiture for a criminal charge filed with the Kirkland Municipal Court, absent extenuating circumstances, the defendant shall make payment in full at the time of imposition.
- (b) Payment agreement may be authorized upon permission from the Court. The authorization of a payment agreement shall be subject to the conditions set at the time of the order.
- (c) Failure to make payment pursuant to the agreement shall be enforceable pursuant to otherwise applicable Court rules, state law or administrative code regulations.

[Adopted effective September 1, 2001]

KMCLIR 19 USE OF A COLLECTION AGENCY AND ASSESSMENT AS COURT  
COSTS OF AMOUNTS PAID FOR COLLECTION SERVICES

- (a) The Court shall use the services of a collection agency for the purposes of collecting unpaid and delinquent penalties on infractions, criminal fines, costs, assessments and forfeitures, on the terms and conditions of the contract for collection services between the City of Kirkland and said collection agency, and may be subsequently amended.
- (b) The collection agency's fee or charge, as set forth in said contract, shall be added by the collection agency as a Court cost to the total judgment of the Court against each defendant whose account is referred by the Court to the collection agency.

[Adopted effective September 1, 2001]

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KMCLIR 1 ADOPTION OF LOCAL RULES

These rules are adopted pursuant to IRLJ 1.3.

[Adopted effective September 1, 2001]

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KMCLIR 2  
TITLE OF RULES

These rules may be known and cited as the Kirkland Municipal Court Infraction Local Rules. The infraction rules shall be referred to as KMCLIR.

[Adopted effective September 1, 2006]

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KMCLIR 3 SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION  
CERTIFICATION

Any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the Court to have committed the infraction, shall be required to pay the fee charged by the expert as a cost incurred by that party, as provided in RCW 46.63.151.

[Adopted effective September 1, 2001]

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KMCLIR 4 DECISION ON WRITTEN STATEMENTS

Upon timely request for a hearing to contest or mitigate a traffic infraction, the Court shall send the defendant written notice of the hearing date and time. The defendant will also be sent a letter describing the hearing by mail option and a declaration form that must be completed by the defendant and any witnesses. If a defendant elects to proceed by mail, the Court shall review the police officer's statement and declarations submitted by the defendant and issue a written decision by mail. Declarations must be received by the Court no later than the scheduled hearing time or they will not be considered.

[Adopted effective September 1, 2001]

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KMCLIR 5 - NOTICE OF APPEARANCE REQUIRED FOR CONTESTED HEARINGS

Attorneys appearing on behalf of clients shall file a Notice of Appearance with the Court and Prosecutor no later than 3 court days prior to the hearing. Failure to provide such notice shall be grounds for continuing the case to the next available calendar when the Prosecutor will be present.

[Adopted effective September 1, 2002; Amended adopted effective September 1, 2007]

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KMCLIR 6  
PROOF OF INSURANCE

If a defendant who is charged with driving a motor vehicle without having proof of valid insurance pursuant to RCW 46.20, and that defendant presents satisfactory evidence that they have obtained valid insurance to the Clerk of the Court within 15 days of the date of the citation, for the vehicle the defendant was operating on the day he/she was cited, then the bail for the offense shall be reduced to \$250.00.

If the defendant presents satisfactory evidence of valid insurance being in effect at the time the citation was issued, for the vehicle the defendant was operating, within 15 days of the date of the citation, then the offense shall be dismissed upon payment of the \$25 administrative fee.

[Adopted effective September 1, 2006]

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KMCLIR 7 REQUIREMENTS FOR PAYMENT FOLLOWING INFRACTION HEARING

- (a) If a defendant who has been charged with a traffic or other infraction filed with the Kirkland Municipal Court is found to have committed that infraction, absent extenuating circumstances, the defendant shall make payment in full of the amount of the penalty at the time of the hearing in which the defendant was found to have committed the infraction.
- (b) Payment agreements on infractions may be authorized upon permission from the Court upon timely request. The authorization of time payments in infraction cases shall be subject to the conditions set at the time of the order authorizing time payments.
- (c) Failure to make payment on the penalties on the committed infractions shall be enforceable pursuant to otherwise applicable Court rules, state law or administrative code regulations.

[Adopted effective September 1, 2001]

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KMCLIR 8  
TIME FOR HEARING - OBJECTIONS TO DATE

The Court shall follow the provisions of IRLJ 2.6.

[Adopted effective September 1, 2006]

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KMCLIR 9  
DRIVING WITHOUT A LICENSE

If a defendant who is charged with driving a motor vehicle without having a valid driver's license issued to Washington residents pursuant to RCW 46.20, and that defendant presents



valid license proof to the court clerk, then the fine for the offense shall be reduced to \$250.

[Adopted effective September 1, 2006]

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KMCLIR 10  
INFRACTION PREHEARING CONFERENCE

(a) Prehearing Conference Required - Waiver. A defendant charged with an infraction who requests a hearing to contest the infraction shall first appear at a prehearing conference. The prehearing conference shall be scheduled in accordance with the provisions of IRLJ 2.6(a)(1)(i). The requirement that the defendant appear at the prehearing conference may be waived by the defendant, in writing, provided the waiver is received by the court before the time set for the prehearing conference. If the defendant fails to timely waive or appear at the prehearing conference, a default judgment shall be entered. In waiving the prehearing conference, the defendant shall complete a waiver form approved by the court. In the event that the defendant submits a waiver in a form other than that approved by the court, said waiver shall be ineffective unless it is in substantial compliance with the court approved form.

(b) Waiver of Prehearing Conference Constitutes a Waiver of Opportunity to Seek Deferral of Infraction. A defendant who waives his or her presence at the prehearing conference shall not be entitled to seek deferral of the infraction(s) charged.

(c) Setting Contested Hearing. If the infractions are not resolved following the prehearing conference, a contested hearing shall be scheduled for not more than ninety (90) days from the date of the prehearing conference. If the prehearing conference is waived, a contested hearing shall be scheduled for not more than ninety (90) days from the date the waiver of the prehearing conference is received by the court.

(d) Prehearing Motions For Contested Infractions - Written Notice Required - Time Limits For Oral Argument. All motions to exclude evidence or dismiss an infraction shall be filed no later than the conclusion of the prehearing conference. If a defendant elects to waive his or her appearance at the prehearing conference, any motion must be noted on the waiver form filed with the court pursuant to IRLJ 2.6(a). Any motion(s) not timely filed shall be waived and shall not be considered by the court. All motions timely noted shall be addressed by the court at the time of the contested hearing. Unless otherwise ordered by the court, parties shall have a total of ten (10) minutes each to argue and/or respond to motions before the court. Any argument in support of, or in response to, motions before the court that will require more than ten (10) minutes to present shall be submitted in brief form.

(Adopted Effective September 1, 2006)

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KMCLR 13  
REQUIREMENT FOR PAYMENT ON COURTESY WARRANT CALENDAR

A defendant, who has been charged with a criminal violation and has an outstanding warrant in the Kirkland Municipal Court, may request to have the matter heard on the weekly walk-in warrant calendar. The following terms and conditions shall apply:

Bench warrant amount is \$1-1,000:

Option 1:  
Pay \$100 bench warrant fee. Bench warrant will be quashed and hearing will be set by the clerk of court.

Option 2:  
Turn him/herself into the Kirkland Jail

Bench warrant amount is \$1,001 - \$5,000:

Option 1:

Post cash bail in the amount of 10% of bench warrant amount (\$100 of this amount will be put towards bench warrant cost.) Bench warrant will be quashed and hearing on next available walk-in calendar will be scheduled.

Option 2:

Pay \$100 bench warrant fee. Bench warrant will remain active and hearing on next available walk-in calendar will be scheduled

Option 3:

Turn him/herself into the Kirkland Jail

Bench warrant amount is greater than \$5,000

Option 1:

Post cash bail in the amount of 100% of bench warrant amount (\$100 of this amount will be put towards bench warrant cost.) Bench warrant will be quashed and hearing on next available walk-in calendar will be scheduled.

Option 2:

Pay \$100 bench warrant fee. Bench warrant will remain active and hearing on next available walk-in calendar will be scheduled

Option 3:

Turn him/herself into the Kirkland Jail

[Adopted effective September 1, 2009]

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